

FORM PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 38163-0194US03	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/529,401	
INTERNATIONAL APPLICATION NO. PCT/US03/030032		INTERNATIONAL FILING DATE 26 September 2003 (26.09.2003)		PRIORITY DATE CLAIMED 27 September 2002 (27.09.2002)	
TITLE OF INVENTION METHODS AND DEVICES FOR INTRAMUSCULAR STIMULATION OF UPPER AIRWAY AND SWALLOWING MUSCLE GROUPS					
APPLICANT(S) FOR DO/EO/US Christy L. LUDLOW, Eric MANN, Theresa BURNETT, and Steven BIELAMOWICZ					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> had been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).					
Items 11 to 20. below concern document(s) or information included:					
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included 13. <input type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 35 U.S.C. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4) 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information:					

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.7) 10/529,401		INTERNATIONAL APPLICATION NO. PCT/US03/030032		ATTORNEY'S DOCKET NUMBER 38163-0194US03	
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21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1)-(5)): Basic National Stage Fee \$300.00 National Stage Search Fee \$500.00 National Stage Examination Fee \$200.00 <div style="text-align: center;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY 	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$50.00		
Independent claims	- 3 =		x \$200.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+	\$360.00
TOTAL OF ABOVE CALCULATIONS =					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =				\$ 130.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30					
TOTAL NATIONAL FEE =				\$ 130.00	
Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$ 130.00	
10/05/2005 HKAYPAGH 00000134 10529401 01 FC:1617 130.00 DP				Amount to be refunded: \$	
				charged: \$	

a. ☒ A check in the amount of \$130.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.

A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment

To Deposit Account No. 08-1641 A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

HELLER EHRMAN LLP 1717 Rhode Island Avenue, N.W. Washington, DC 20036 Phone: (202) 912-2000 Fax: (202) 912-2020 Customer No. 26633	<div style="border-bottom: 1px solid black; padding-bottom: 5px;">SIGNATURE</div> <div style="text-align: center;"> NAME </div> <div style="text-align: right;"> 9/30/05 Date </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;">REGISTRATION NUMBER</div> <div style="text-align: center;">33,683</div>
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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/529,401	FIRST NAMED APPLICANT Christy L Ludlow	ATTY. DOCKET NO. 38163-0194US03
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INTERNATIONAL APPLICATION NO.

PCT/US03/30032

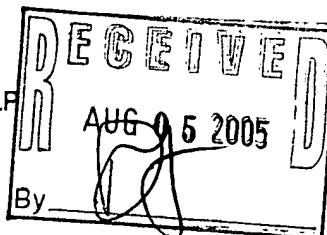
I.A. FILING DATE	PRIORITY DATE
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09/26/2003

09/27/2002

26633

HELLER EHRMAN WHITE & MCAULIFFE LLP
 1717 RHODE ISLAND AVE, NW
 WASHINGTON, DC 20036-3001



CONFIRMATION NO. 6746

371 FORMALITIES LETTER



OC000000016661101

Date Mailed: 08/01/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/28/2005
- Copy of the International Search Report filed on 03/28/2005
- Preliminary Amendments filed on 03/28/2005
- Information Disclosure Statements filed on 03/28/2005
- U.S. Basic National Fees filed on 03/28/2005
- Substitute Specification filed on 03/28/2005
- Priority Documents filed on 03/28/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/529,401	PCT/US03/30032	38163-0194US03

FORM PCT/DO/EO/905 (371 Formalities Notice)